

10 CIV 2709 (166)

Da Marino Restaurant

220 West 49th Street

New York, NY 10036

Docket + File

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Paul G. Gardephe

United States District Court

Southern District of New York

April 22, 2013

Honorable Judge Gardephe,

I have asked my friend Joe Paradise to write this letter for me as my understanding of English is not good.

I've wanted to talk to you from day one and explain to you how I believe that I'm a victim of extortion and a fraud generated by Mr. Wisniewski. But all the previous lawyers told me that it was impossible to talk to the judge and you could only do so and show evidence during the trial. In your letter you told me that I have never presented evidence supporting my contentions. I was just listening to my lawyer and put my life and my trust in my lawyer's hands. Mr. Wisniewski initially demanded \$125,000 from me to settle his minimum wage suit. But I had looked through my records and found that these people were paid. Wisniewski told my lawyer, Albert Breud, that if I did not settle for the amount presented that he was going to sue me for sexual harassment and it would cost me lot more and I would lose my clients.

One thing I do not understand is why some people who are not part of the restaurant and have never worked at Da Mario are in the law suit. For example, Giancarlo Montesarchio is a cousin and has no involvement with the restaurant. Craig Perry is just a friend and I do

not even know where he is at the moment. And Salvatore Abate was a floor captain that was not working at some of the points in time stated in the lawsuit. My wife, Izabella, only calls the payroll company once a week and gives them information to draft the pay checks. She has her own profession as an interior decorator.

My first lawyer, Albert Breud, did a good job. I showed him all the evidence and he told me that we had a very strong case. Then he had a meeting with Wisniewski and he changed overnight. He tried to convince me to settle. That's one reason I changed my lawyer. In addition, I have a tape of Wisniewski telling a former employee that if she signed on to the lawsuit that she would not have to go to court. He said that there as a ninety-nine percent certainty there would be a settlement. He also discussed with her that he would break the back of Mr. Marino and he would take over the restaurant and she would take over the restaurant and she would have a part of it and would go to work with a red Porche sports car like Jenny Wilson. These are the exact words and more that we have on a tape as evidence.

I hired Robert Propesco. I gave him \$30,000 and he didn't do anything. The same thing happened with Lorenzo Lugara. I gave him \$30,000 and he did not even show up in court. Cavanaugh also tried to convince me to settle. I wanted to go to trial because I felt I had the evidence to prove my case. He started out being very nice and then he began to go out socially with Wisniewski and he changed. I told him I would give him 50,000 dollars to go to trial on top of the 60,000 he already was paid. He told me the case was complicated and would take from 3 to 5 years to complete and would cost me \$500,000. When I asked him why the case would take so long he told me that he and Mr. Wisniewski made a decision to try and change the judge in the case. He also told me that and kept repeating that the Your Honor said I couldn't change lawyers. This put me in a bad situation because he used Your Honor's decision to force me to give him much more money without doing anything or explaining where this money was going.

With all due respect, you said that I never paid my lawyers in order to delay the case. This must be a misunderstanding because in July of 2012 Andrew Risoli sent copies of all the checks that the lawyers